



BUSINESS ADVISORY COMMITTEE
Wednesday, October 29, 2014 at 5:30pm
383 Main Street, City of Brawley
Administrative Building Council Chambers

Committee Members:

Sarah Chairez
Alan Huber
Lupe Navarro
Audrey Noriega
Sean Wilcox

Staff:

Rosanna B. Moore, City Manager

Agenda Topics

Call to Order

Roll Call

Approval of the Agenda

Public Comments

New Business

- Welcome and Introductions
- Revisit of Enabling Resolution, Roles and Responsibilities
- Nomination and Election of Chairperson and Vice-Chairperson
- Establishment of Regular Meeting Schedule (at least once quarterly)
- Presentation, Discussion and Input on Peddler's Permit (R Walla, RB Moore)
- Presentation, Discussion and Input on Sidewalk Sales (G Gaste, RB Moore)

Committee Member Comments/Remarks

Adjournment

RESOLUTION NO. 2014-36

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,
CALIFORNIA CREATING A BUSINESS ADVISORY COMMITTEE.

THE CITY COUNCIL OF THE CITY OF BRAWLEY DOES HEREBY RESOLVE AS FOLLOWS:

1. Creation The Business Advisory Committee of the City of Brawley is hereby created.
2. Membership
 - a. The Committee shall consist of five members who shall be lawful residents of the City. All potential members shall submit an application. Appointment shall be made by a majority of the entire City Council.
 - b. In the absence of further action of the City Council regarding the time which this Committee shall remain in existence, the Committee members will serve an initial term through June 30, 2016. The City Council, by a majority vote of the entire membership of the Council, may remove a Committee Member from office with or without cause.
 - c. If a vacancy occurs, a Committee Member shall be appointed in the manner set forth in this section and shall serve the unexpired portion of the term.
 - d. The City Manager and the CEO, of the Brawley Chamber of Commerce will serve as ex-officio members.
3. Organization
 - a. The members of the Committee shall, at their first meeting following commencement of the terms of office of its members, nominate and elect a Chairperson and Vice Chairperson, who shall each serve for a term of one year. The Chairperson shall not be elected for more than two consecutive terms. The Chairperson shall preside over all meetings of the Committee. The Vice Chairperson shall preside over Committee meetings in the absence of the Chairperson.
 - b. With the consent of the City Council, the Committee may adopt rules and regulations for the transactions of its business.
 - c. The Brawley City Manager, or his or her designee, shall serve as the staff liaison to the Committee.
4. Duties
 - a. The Committee may make recommendations to the City Council with respect to matters concerning the City's Economic Development Program, policies and strategy.

- b. The Committee shall provide a forum for the exchange of ideas on business retention, expansion and new business development.
- c. At the direction of the City Council the committee may conduct research, make business contacts and otherwise support efforts to market the City of Brawley.
- d. The Committee shall have no power or authority to bind or obligate the City or any officer or department thereof for any money, debt, undertaking, or obligation of any kind in excess of the appropriation which the City Council may have made for the purposes of the Committee's operation in any fiscal year.
- e. It shall not be the role of the Committee to conduct investigations into individual complaints related to the service being provided by the City or any of its contractors. Nor shall it be the role of the Committee to direct the process or the procedure by which service level recommendations are carried out.

5. Regular Meetings

- a. Regular meetings of the Committee shall be held in the Brawley City Council Chambers, unless otherwise specified in the meeting notice, and shall be held on days to be determined by resolution of Committee, except that the Committee shall meet at least quarterly.
- b. The City Manager shall designate a City staff person or persons to be the City staff liaison to the Committee. Such person or persons shall prepare notices and agendas for the Committee's meetings, attend Committee meetings, take minutes of the Committee's actions report and information to and from the City Manager.
- c. Records shall be a public record in accordance with applicable law and a copy of which shall be filed with the City Clerk.

6. Absence From Meetings

If a member of the Committee is absent from two consecutive regular meetings without being excused by the Committee, or is absent for any reason for more than four regular meetings during the initial term of this Committee, the office of such member shall be deemed vacated and the Chairperson shall immediately notify the City Manager, who shall notify the City Council that said office is vacant. Upon such notification, a successor for the remainder of the term of such member shall be appointed as provided in membership requirements.

7. Compensation

Members of the Committee serve without compensation. Members may be reimbursed in accordance with City policy for attendance at seminars, conferences or other

meetings which the City Council finds would be beneficial to the Committee members in the performance of their duties and in the best interests of the City. The City Council must authorize such expense in advance. Claims for such expenses shall be filled with the City Manager and shall be subject to audit and approval by the City Council.

8. Sunset

In the absence of further action by the City Council, this Resolution shall expire and shall be of no further force or effect on June 30, 2016.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Brawley City Council held on July 15, 2014.

CITY OF BRAWLEY, CALIFORNIA


Don C. Campbell, Mayor

ATTEST:


Alma Benavides, City Clerk

STATE OF CALIFORNIA
COUNTY OF IMPERIAL
CITY OF BRAWLEY

I, ALMA BENAVIDES, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Resolution No. 2014-36 was passed and adopted by the City Council of the City of Brawley, California, at an a regular meeting held on the 15th day of July 2014, and that it was so adopted by the following roll call vote: m/s/c Nava/Noriega 5-0

AYES:	Campbell, Couchman, Nava, Noriega, Wharton
NOES:	None
ABSTAIN:	None
ABSENT:	None

DATED: July 15, 2014


Alma Benavides, City Clerk

RESOLUTION NO. 2010-37

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,
CALIFORNIA CREATING A BUSINESS ADVISORY COMMITTEE.

THE CITY COUNCIL OF THE CITY OF BRAWLEY DOES HEREBY RESOLVE AS FOLLOWS:

1. Creation The Business Advisory Committee of the City of Brawley is hereby created.
2. Membership
 - a. The Committee shall consist of seven members who shall be lawful residents of the City. All potential members shall submit an application. Appointment shall be made by a majority of the entire City Council.
 - b. In the absence of further action of the City Council regarding the time which this Committee shall remain in existence, the Committee members will serve an initial term through December 31, 2011. The City Council, by a majority vote of the entire membership of the Council, may remove a Committee Member from office with or without cause.
 - c. If a vacancy occurs, a Committee Member shall be appointed in the manner set forth in this section and shall serve the unexpired portion of the term.
 - d. The City Manager and the CEO, of the Brawley Chamber of Commerce will serve as ex-officio members.
3. Organization
 - a. The members of the Committee shall, at their first meeting following commencement of the terms of office of its members, nominate and elect a Chairperson and Vice Chairperson, who shall each serve for a term of one year. The Chairperson shall not be elected for more than two consecutive terms. The Chairperson shall preside over all meetings of the Committee. The Vice Chairperson shall preside over Committee meetings in the absence of the Chairperson.
 - b. With the consent of the City Council, the Committee may adopt rules and regulations for the transactions of its business.
 - c. The Brawley City Manager, or his or her designee, shall serve as the staff liaison to the Committee.
4. Duties
 - a. The Committee may make recommendations to the City Council with respect to matters concerning the City's Economic Development Program, policies and strategy.

7. Compensation

Members of the Committee serve without compensation. Members may be reimbursed in accordance with City policy for attendance at seminars, conferences or other meetings which the City Council finds would be beneficial to the Committee members in the performance of their duties and in the best interests of the City. The City Council must authorize such expense in advance. Claims for such expenses shall be filled with the City Manager and shall be subject to audit and approval by the City Council.

8. Sunset

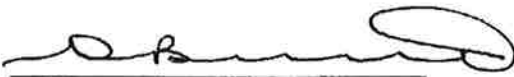
In the absence of further action by the City Council, this Resolution shall expire and shall be of no further force or effect on December 31, 2011.

APPROVED, PASSED AND ADOPTED, at a regular meeting of the City Council this 21st day of September, 2010.

CITY OF BRAWLEY, CALIFORNIA


Ryan E. Kelley, Mayor

ATTEST:



Alma Benavides, City Clerk

STATE OF CALIFORNIA;
COUNTY OF IMPERIAL;
CITY OF BRAWLEY;

I, ALMA BENAVIDES, City Clerk of the City of Brawley, California **DO HEREBY CERTIFY** that the foregoing Resolution No. 2010-37 was **passed and adopted** by the City Council of the City of Brawley, California, at an adjourned regular meeting held on the 21st day of September, 2010 and that it was so adopted by the following roll call vote: m/s/c Campbell/Nava 4-0 Kelley absent

AYES:	Campbell, Couchman, Miranda, Nava
NAYES:	None
ABSENT:	None
ABSTAIN:	Kelley

DATED: September 21, 2010


Alma Benavides, City Clerk

BUSINESS ADVISORY COMMITTEE 2015 MEETINGS

January 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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February 2015						
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March 2015						
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April 2015						
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May 2015						
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31						

June 2015						
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July 2015						
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August 2015						
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23/30	24/31	25	26	27	28	29

September 2015						
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October 2015						
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November 2015						
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29	30					

December 2015						
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27	28	29	30	31		

Notes

All meetings are scheduled for __PM at the Brawley City Council Chambers
Located at 383 Main Street, Brawley, CA

 Council Meeting

 Scheduled Holidays

Jan. 1 – New Year's Day 2015

Jan. 19 – Martin Luther King Day

Feb. 16 – President's Day

May 25 – Memorial Day

July 3 – Independence Day

Sept. 7 – Labor Day

Nov. 11 – Veterans Day

Nov. 26 – Thanksgiving Day

Nov. 27 – Day after Thanksgiving

Dec. 24 – Christmas Eve

Dec. 25 – Christmas Day

Dec. 31 – New Year's Eve

Jan. 1 – New Year's Day (Jan. 1, 2016)

Airport Advisory Commission

Meets the 3rd Wednesdays of the month @ 4:00 PM in the Conference Room of the Brawley Public Works @ 180 South Western Avenue, Brawley, CA 92227.

Brawley Public Library Board of Trustees

Meets the 2nd Wednesday of the month @ 5:00 PM in the Conference Room of the Brawley Public Library @ 400 Main Street, Brawley, CA 92227.

Brawley Planning Commission

Meets the 1st and 3rd Wednesdays of the month @ 5:30 PM in the City Council Chambers @ 383 Main Street, Brawley, CA 92227.

City Council Meetings

Meets the 1st and 3rd Tuesday of the month @ 6:00 PM in the City Council Chambers @ 383 Main Street, Brawley, CA 92227

Parks & Recreation Commission

Meets the 2nd Wednesday of the month @ 6:00 PM in the City Council Chambers @ 383 Main Street, Brawley, CA 92227.

**BUSINESS ADVISORY COMMITTEE
AGENDA REPORT
City of Brawley**

Meeting Date: 10/29/2014

City Manager:

RBM

PREPARED BY: Ruby D. Walla, Finance Director

PRESENTED BY: Ruby D. Walla, Finance Director

SUBJECT: Peddlers License; Section 16.86 of the City of Brawley Municipal Code
Brawley Chamber of Commerce – Farmers Markets

CITY MANAGER RECOMMENDATION: Review and discussion pertaining to Peddlers license per City of Brawley Municipal Code Section 16.86

DISCUSSION: Current practice and policy for licenses issued to peddlers is per Brawley Municipal Code Section 16.86: Peddlers – Of flags, toys, souvenirs, etc. City Ordinance states that “for every person engaged in or carrying on the business of a peddler of flags, banners, balloons, canes, horns, trumpets, musical or noise-making instruments of any kind, toys, badges, buttons, shoestrings, hairpins, lead pencils, combs, souvenirs of any kind or hot dogs, thirty five dollars per day.” A “peddler” or “solicitor” is defined to be and include every person not having a regularly established place of business in the city, who goes from place to place, or from house to house, or from person to person, or has a stand on any public street.”

The Brawley Chamber of Commerce kicked off its first season of Farmers Markets last year and is approaching its second season with the commencement of Cattle Call events. The Chamber, in response to participant feedback, presented concerns with the applicable business license fee of \$35 per day for vendors participating in Farmers Markets. (It is noted that vendors who already possess a City of Brawley business license are not subject to the peddlers license requirement.) These rates, in effect, would cost a vendor \$245 to participate in the Farmers Market series. The claim is that the daily fee is a hefty fee to charge and most vendors will pay more in license fees than they earn in profit from sales at the Farmers Market series. The Chamber has requested the City’s review and consideration of a change to the billing structure, to assist with facilitating vendor participation and the growth of the event series.

Staff has reviewed the subject and determined that there is no business license category for Farmers Markets or similar events. As such, amending the City of Brawley Ordinance is necessary to include a category defining Farmers Markets and establishing a reasonable fee of \$35. A one-time, annual peddlers fee is proposed for the Farmers Market season.

ALTERNATIVES CONSIDERED: The Business Advisory Committee and the Brawley City Council may wish to consider a blanket peddlers permit that is issued on annual basis. The initial Chamber of Commerce request was to consider a special event permit applicable to a range of activities throughout the year for various City properties.

Staff recommendation is to balance the interests of established traditional businesses with smaller scale merchants. The Farmers Market event series is unique in that it integrates many of the City's goals and objectives for downtown – from reclaiming Main Street for local purposes to implementation of the City's Downtown Specific Plan, the newly established Downtown Arts District and the City's Healthy Eating, Active Living initiative. As such, specific language was developed to address the Farmers Market series only.

FISCAL IMPACT: General Fund 101 – Business License fees

ATTACHMENTS: Section 16.86 – Peddlers
Brawley Chamber of Commerce Letter dated May 2, 2014



Brawley Chamber of Commerce

May 2, 2014,

Re: Business Licenses for event vendors

Rosanna Bayon-Moore,

On behalf of the Brawley Chamber of Commerce, I would like to request that the city look into creating a "Brawley event permit" to serve in-lieu of a business license for vendors who do not have a brick and mortar location.

Currently, our vendors are asked to pay \$35 per day as "peddlers" under the business license ordinance. For many of our smaller vendors this is cost-prohibitive. Waiving the fee entirely, while beneficial to the vendors, means the city receives no revenue from the sales at the events.

I propose that the "Brawley event permit" allow vendors to sell at city-sanctioned events – Farmers Markets, Cattle Call, car shows, sports tournaments – anything on city property which will feature temporary vendor booths. Ideally this permit would be at a low-cost for the entire fiscal year, perhaps \$35.

This suggestion is meant primarily to offer an alternative while the business license language is reviewed and revised. The permit would be an affordable alternative for those event vendors who do not already have a Brawley business license.

Please let me know if you have any questions or would like to discuss the matter further. Thank you for your consideration.

Jason Zara
Executive Director

204 South Imperial Avenue, Brawley, CA 92227 jason@brawleychamber.com
760-344-3160 phone 760-344-7611 fax
www.brawleychamber.com

Sec. 16.86.

For every person engaged in or carrying on the business of a peddler of flags, banners, balloons, canes, horns, trumpets, musical or noise-making instruments of any kind, toys, badges, buttons, shoestrings, hairpins, lead pencils, combs, souvenirs of any kind or hot dogs, thirty-five dollars per day.

A "peddler" or "solicitor" is defined to be and include every person not having a regularly established place of business in the city, who goes from place to place, or from house to house, or from person to person, or has a stand upon any public street, alley or other public place, doorway of any room or building, unenclosed or vacant lot or parcel of land, who solicits orders for the sale of, or who sells, or offers for sale any goods, wares or merchandise, or the sampling of any goods, wares or merchandise, as in this section enumerated or contemplated, which he has in his possession, or in his motor truck, automobile, wagon or other vehicle, basket, tray or other container carried by hand.

The term "regularly established place of business" as used in this section shall mean any building, room, stand or enclosure wherein goods, wares or merchandise, as in this section enumerated or contemplated, have been kept, displayed and offered for sale to the public distinct and separate from any other place of business or residence, and regularly kept open with some person in exclusive attendance thereat, for at least forty-eight hours of each and every week, during a period of six consecutive months immediately preceding the alleged right to peddle or solicit orders without the payment of the license herein provided for.

(Ord. No. 337, § 65; Ord. No. 761, § 1.)

**BUSINESS ADVISORY COMMITTEE
STAFF REPORT
City of Brawley**

Meeting Date: 10/29/14

City Manager: 

PREPARED BY: Gordon R. Gaste, AICP, Planning Director

PRESENTED BY: Gordon R. Gaste, AICP Planning Director

SUBJECT: Downtown Specific Plan Area Sidewalk Sales Specific Plan Amendment

DISCUSSION: Currently, sidewalk sales within the Downtown Specific Plan boundaries require a Planning Commission Conditional Use Permit (CUP). Following feedback from local merchants during last year's Cattle Call festivities, City Council directed staff to research other potential avenues for accommodating sidewalk sales. Such a change requires an amendment to the Downtown Specific Plan which would first be considered by the Brawley Planning Commission and then would be forwarded to the City Council with a recommendation.

The Brawley Planning Commission considered the sidewalk sales topic in June and August of 2014.

Staff, in consultation with the Chamber of Commerce, developed potential alternatives to the existing CUP process. The following were options that were presented in June of 2014 to the Planning Commission:

1. Allow sidewalk sales during the Cattle Call and holiday season by right for all businesses. For example, the dates could range from November 1 through January 1.
2. Permit a maximum number of passes per year to be used at any time for each business. For example, a business could only have 6 sales per year at a time of their choosing. Each pass could represent a 2-day (48-hour) period to correspond to a weekend.
3. Leave the process "as is," requiring a Planning Commission CUP.

On August 13, 2014, the Planning Commission voted to recommend an amendment to the Downtown Specific Plan, allowing sidewalk sales with the following provisions:

1. Allow sidewalk sales year round in the right-of-way, within the first five (5) foot area from the property line with an annual City issued permit and modest fee of \$100 - \$200 to defray the cost of code enforcement.
2. Require submittal of a layout for all proposed sales, to ensure adherence to ADA and the Fire Codes.

4. Encourage the Chamber of Commerce and downtown merchants organizations to establish standards for displaying items in an organized and uniform fashion such as use of standardized tables and racks.
5. Prohibit the storage of products that block the doorway in or outside the building when taken inside to allow for proper emergency access.
6. Enforce requirements and issue violations as infractions per Section 1.7-1 of the Zoning Ordinance.

ATTACHMENT: Draft Ordinance

FISCAL IMPACT: Permit and Code Enforcement Time

DRAFT
ORDINANCE NO. 2014-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,
CALIFORNIA, APPROVING THE AMENDMENT OF THE DOWNTOWN SPECIFIC PLAN (PD12-01) -
SIDEWALK SALES**

WHEREAS, the City Council approved and adopted the Downtown Specific Plan (PD12-01) via Ordinance 2013-02 on January 15, 2013; and

WHEREAS, said Specific Plan amendment is based upon the City of Brawley General Plan and City of Brawley Zoning Ordinance within the guideline of said Specific Plan, as adopted by the City Council; and

WHEREAS, the Specific Plan amendment does provide for the reasonable use and development of the area of the City included within said Specific Plan; and reasonable use and development of the area of the City included within said Specific Plan; and

WHEREAS, the Planning Commission recommended approval of this Specific Plan amendment on August 13, 2014; and

WHEREAS, the City Council has considered said Specific Plan amendment and the recommendations of the city staff, and with respect thereto, has determined that the requirements hereinafter enumerated are necessary to ensure that the Specific Plan, and the implementation thereof, will conform to all ordinances, policies, rules, standards, and improvement and design requirements of the City of Brawley except as specifically waived;

**THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:**

That the City Council hereby amends the Downtown Specific Plan reflecting the change in Sidewalk Sales as follows:

Section 1: Remove Temporary Outdoor Sales from Conditional Uses in zones Civic Center Main Street, Civic Center Neighborhood, West Village Main Street, West Village Neighborhood, East Village Main Street, East Village Neighborhood and East Village Enterprise. Add Sidewalk Sales to Permitted Uses with the additional wording "with annual permit".

Section 2: Addition of Section 4.4.12 specifying regulations regarding Sidewalk Sales:

- * An annual permit is required at a cost of ~~\$100.00 or \$200.00~~ (to be set by CC)
- * Outdoor display must be flush against the building of the abutting property, must leave entrances and driveways clear, and may not extend more than five (5) feet into the sidewalk
- * Free access to all buildings and access requirements shall be per the California Uniform Fire, Building and Barrier Free Codes. It shall also be consistent with any applicable standards established by the Americans with Disabilities Act
- * Items shall not be placed in or on street furniture, parking meters, public signage, planter boxes, turf, dirt or landscaped areas nor beyond the edge of the business' street frontage
- * The display must be removed any time the Planning Director, Building Official, Public Works Director, Police Chief or Fire Chief determines that a clear sidewalk is needed and requests removal for use of travel or transportation, street cleaning or maintenance, street utility work, a crowd control event or parade, or an emergency
- * Insurance shall be provided by the business owner
- * The City assumes no responsibility for the items on display, irrespective of whether the loss occurs through accident, collision, vandalism, theft or otherwise
- * Violation of this provision shall constitute an infraction per Section 1.7-1 Violation constituting Infraction of the Brawley Municipal Code

DRAFT

Section 3: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in the Imperial Valley Press, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED at a regular meeting of the City Council held on the ??th day of ??? 2014.

CITY OF BRAWLEY, CALIFORNIA

Don C. Campbell, Mayor

ATTEST:

Alma Benavides, City Clerk

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)**

1st Reading

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the ??th day of ??? 2014 and that it was so adopted by the following roll call vote: m/s/c/

**AYES:
NAYES:
ABSTAIN:
ABSENT:**

DATED: ??? ??, 2014

Alma Benavides, City Clerk

2nd Reading & Adoption

I, Alma Benavides, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the ??th day of ?? 2014 and that it was so adopted by the following roll call vote: m/s/c/

**AYES:
NAYES:
ABSTAIN:**

DRAFT

ABSENT:

DATED: ??? ??, 2014

Alma Benavides, City Clerk